

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No.: CV 16-02129-SJO (RAOx) Date: September 12, 2017
Title: Cory Spencer, et al. v. Lunada Bay Boys, et al.

Present: The Honorable **ROZELLA A. OLIVER, U.S. MAGISTRATE JUDGE**

Sandra L. Butler
Deputy Clerk

CS 9/12/2017
Court Reporter / Recorder

Attorneys Present for Plaintiff(s):

Samantha Wolff
Kurt Franklin
Lisa Pooley
Victor Otten

Attorneys Present for Defendant(s):

Edwin Richards
Chrisopher Glos
Jacob Song
Peter Haven
John Stobart
John Worgul
Tera Lutz
Daniel Crowley
Alison Hurley
Tiffany Bacon
Kevin Flautt¹

**Proceedings: MINUTE ORDER RE: TELEPHONIC HEARING ON
OUTSTANDING DISCOVERY DISPUTES**

The case was called and counsel for the parties entered their appearances. The Court and the parties discussed the outstanding discovery disputes and the matters referred to the undersigned by District Judge Otero. *See* Dkt. Nos. 435, 437. The Court addresses each dispute as follows.

A. Defendants Charlie and Frank Ferrara's Cellular Phone Records

Defendants Charlie and Frank Ferrara and Plaintiffs shall file a joint status report by **September 18, 2017** that states with particularity any outstanding records and any lost or unrecoverable data or records. Prior to preparation of the joint status report, Defendants Charlie and Frank Ferrara are ordered to provide Plaintiffs with a further update regarding the outstanding records for Charlie Ferrara, and counsel for the parties shall meet and confer

¹ Mr. Flautt is counsel for Palos Verdes Estates Police Officers' Association (PVE POA).

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regarding those outstanding records and any records or data for either Charlie or Frank Ferrara that appear to be lost or unrecoverable. The Court will order further briefing as necessary upon submission of the joint status report.

B. Defendant Sang Lee's Cellular Phone Data

Counsel for Defendant Lee informed the Court that counsel would receive an update by Thursday, September 14, 2017, from their discovery/forensics expert as to the possibility of recovering additional data from Defendant Lee's phone and whether further information or analysis regarding any lost data can be obtained. Counsel for Defendant Lee and Plaintiffs agreed to meet and confer further on this issue. The parties are directed to file a joint status report by **September 18, 2017** informing the Court of the further meet and confer efforts. Upon submission of the joint status report, the Court will order further briefing or proceedings as necessary.

C. Defendant Papayans' Cellular Phone Records

Defendant Papayans is ordered to produce by **September 22, 2017** responsive cellular phone records that were produced to Defendant Papayans' criminal defense attorney by the prosecution in his pending criminal matter. Counsel for Defendant Papayans may review the records for responsiveness after obtaining them from Defendant Papayans' criminal defense attorney. If counsel learns that he will be unable to obtain the records from Defendant's criminal defense attorney, counsel shall inform Plaintiffs' counsel and the Court immediately.

D. Records from the Personal Devices of Palos Verdes Estates Police Officers

Plaintiffs are directed to file a brief, no longer than 7 pages in length, by **September 21, 2017**, addressing their diligence in pursuing the requested records, that is, the specific reasons why Plaintiffs did not request or compel the discovery of the records prior to the deadline for their opposition to the City of Palos Verdes and Chief of Police Jeff Kepley's (collectively, "City Defendants") motion for summary judgment or the discovery cut-off. The City Defendants may file a response to Plaintiff's brief, no longer than 5 pages in length, by **September 25, 2017**. The PVE POA need not provide any further briefing at this time.

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E. Documents Requested in Plaintiffs’ Motion to Compel (Dkt. No. 393)

Counsel for the City Defendants and Plaintiffs confirmed that the requested documents have been produced and this dispute has been resolved.

F. Documents Relating to Traffic Patterns and Citation Statistics

The Court denies Plaintiffs’ request to compel additional documents in this category. Plaintiffs did not raise this dispute in the matters referred to the Court, and the issue was not otherwise brought to the attention of the Court before the discovery cut-off. The Court finds that the dispute is thus not properly before the Court. In addition, counsel for the City Defendants stated at the hearing that they have consulted again with employees at the City and confirmed that providing a response to the discovery requests would take four to six months. The Court agrees with the City Defendants that the requested discovery is unduly burdensome.

G. Additional Documents Requested by Plaintiffs

The Court declines to hear additional discovery disputes raised by Plaintiffs at the hearing that have not been raised before this Court prior to the discovery cutoff or in relation to the referred matters.

IT IS SO ORDERED.

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